

Serial No.: 09/818,463
Docket No. Skiles 00.01
Amendment C under Rule 116

REMARKS

The indicated allowance of claims 30 and 31 is noted, with thanks.

Claims 20 and 27 which were indicated to be allowable if re-written in independent form have been so re-written. Claims 21 and 22 depend on claim 20 and claims 28 and 29 depend on claim 27 and therefore also are believed to be allowable.

Claims 17 and 23 have been amended to better define the claimed invention. More particularly, claims 17 and 23 have been amended to clarify that the ornamental object is spherically shaped and that the first and second fixtures comprise truncated portions of spherical shells. Willner, which has been cited as anticipatory of claim 17, and combined with Darling to reject claim 23 certainly cannot be said to teach semi-circularly shaped fixtures required by independent claims 17 and 23, as amended. Willner's fixtures are not semi-spherically shaped truncated portions of spherical shells having inner and outer concave surfaces as required by independent claim 17 and 23, as amended. Furthermore, Willner's spring members are not fixed to the outer convex surfaces of the fixtures required by independent claims 17 and 23.

Moreover, this distinction is more than merely academic. Applicant's clasp is in compression, while Willner's part is shear! Accordingly, claim 17 cannot be said to be anticipated by Willner.

Darling, which has been combined with Willner to reject claim 23, has no structure per se. Accordingly, Darling cannot be said to supply the missing teachings to Willner to achieve render obvious claim 23. Accordingly, it is submitted that the rejection of claim 17 as anticipated by Willner, and the rejection of claims 18 and 23-25 as obvious from Willner in view of Darling, since no combination of Willner and Darling reasonably could be said to achieve render obvious any of claims 18 and 23-25.

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Claim 18 has been re-written in independent form. It is submitted that claim 18, as amended, and the claims dependent thereon are neither anticipated by or obvious from the art. In rejecting the claims as obvious from Willner in view of Darling, the Examiner acknowledges the primary reference Willner fails to teach or suggest a cellular material on the concave surfaces of the fixtures. However, the Examiner looks to Darling to supply this missing teaching. Darling teaches various compositions suitable for use as a buoyant putty, i.e., to keep otherwise sinkable objects afloat. Applicant's claimed invention employs a flexible cellular material to protect the surface of an ornamental object fixtured in Applicant's class and/or securely but releasably hold a regularly shaped objects in the class. Thus, Applicant employs a cellular material for an entirely different purpose. Moreover, Applicant's claims require that the cellular material be applied to the inside, i.e., concave surfaces of the class located therein, the cellular material would be compressed by the object being held in the clasp. Thus, the purpose of employing a buoyant putty, i.e., as taught by Darling would be defeated.

Quite apart from the foregoing, it is submitted that Darling constitutes non-analogous art. The primary reference Willner relies solely on mechanical frictional engagement. Darling simply teaches a buoyant putty in which objects may be wrapped or embedded. There is no motivation within Willner and Darling to combine the references as the Examiner has. Accordingly, it is submitted the Examiner has implied impermissible hindsight and is applying the teachings of the present invention to the prior art to make out a case of obviousness.

With respect to the Interview Summary Form PTO-413, Applicant notes the interview was originated by the Examiner. Nothing substantive was discussed. Rather, Applicant noted that the Second Request for Clarification for Action was rendered moot by the re-mailing of the corrected Action.

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Quite apart from the foregoing, Applicant provides additional materials evidencing continued commercial success of the present invention. These include an article from the Denver Post and the Lubbock Avalanche Journal. Also enclosed is a 132 Declaration attesting to the further commercial success of the present invention.

The foregoing Amendment makes no claim changes that would require further search or consideration of the Examiner. Claims 20 and 23, which were indicated to be allowable if re-written in independent form, have been so re-written. And, claims 17 and 23 have been amended to simply clarify that the fixtures are semi-circularly shaped truncated portions of spherical shells. These limitations were implied in the previous claims thus, no further search should be required. Accordingly, entering the foregoing Amendment and allowance of the application are respectfully requested.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action are respectfully requested.

Accompanying this Amendment is a Form PTO-2038 authorizing a charge in the amount of \$126.00 for the added three (3) independent claims.

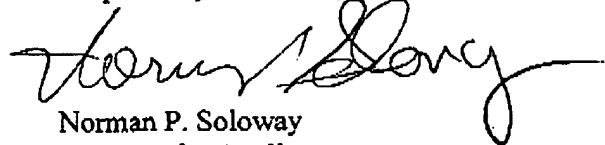
In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

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Respectfully submitted,



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Attorney for Applicant
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CERTIFICATE OF TRANSMISSION VIA FACSIMILE

I hereby certify that this correspondence is being sent via facsimile to EXAMINER
Ruth C. Rodriguez of the United States Patent and Trademark Office at facsimile number
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Denver Post Article Published: Sunday, July 06, 2003 - 12:00:00 AM MST

Arts festival a picture of diversity

Cherry Creek event features items made from glass, metal, wood, paper

By Annette Espinoza, Denver Post Staff Writer

Nancy Ask and her two children successfully beat the heat at the 13th annual Cherry Creek Arts Festival on Saturday by kicking off their shoes and wading in a shallow pool designed for decoration, not keeping cool.

"The kids loved this," Ask said as she dried the youngsters with her dress.

Ask was among thousands who visited the popular festival that is held every year in the Cherry Creek North business district.

More than 200 artists from across the country and locally were selected for the festival from more than 2,100 applicants.

Individually decorated booths showcase modern works that range from a \$4,900 kinetic sculpture to \$28 for a sterling silver and bronze necklace with a mechanism that holds an interchangeable glass marble.

"I used to toss out my son's marbles because they destroyed my vacuum," said Holly Marcus, who was visiting the festival with friends for the first time. "Now, I'm buying them to wear."

Visitors can find almost every art medium imaginable - objects made from ceramic, glass, fiber, metal and wood.

Paintings, sculptures, photography, food and drink are set up in booths along the street. The festival also features live music that is performed on several stages.

One artist transforms newsprint into jewelry.

Holly Anne Mitchell of Florida takes Sunday comics, Wall Street Journal headlines and expired grocery product coupons and turns them into colorful pins, brooches, earrings and neck wear.

"I guess I'll never run out of material or ideas," said Mitchell, who is making her second appearance at the festival.

One visitor impressed with Mitchell's work was Bruce Oreck of Boulder, who attended the fair with his daughter, Jessica.

"It's fabulous and not mass-produced. It's reflected from the (artist's) heart," Oreck said after purchasing a bracelet for his daughter.

Other colorful artworks that drew lots of attention were miniature ceramic and neon diners and theaters sculpted by artist Jerry Berta from Rockford, Mich., who is participating for the first time.

"This is great; it's a very nice show," Berta said. "It sets the standard for other art shows across the country."

The Cherry Creek Arts Festival continues today from 10 a.m. to 6 p.m. in the Cherry Creek North area.

LUBBOCK AVALANCHE-JOURNAL

Fun galore for young at art

BY WILLIAM KEDDS
AVALANCHE JOURNAL EDITOR

There were plenty of opportunities for children Saturday at the 24th annual Lubbock Arts Festival, and no shortage of young people at the Lubbock Memorial Civic Center who wanted to take part.

After making their crowns, shields and Robin Hood arrows at the crafts area, some youngsters opted to work off a little energy by sword fighting - and defeating - a knight played by a member of the Society For Creative Anachronism in medieval garb.

Elsewhere, a child left Perion Fullington's magic act asking his parents, "How did he do that?" More than 60 children sat entranced Saturday afternoon as violinist master Don Harman began manipulating strings, turning wooden figures into "Cherelle" characters.

Earlier in the day, many children took part in an event called Storybook Character Dining. They had their choice of lunch items, including chicken nuggets, pizza and peanut butter sandwiches, then laughed as they met a plethora of Disney characters, from Mickey and Minnie to Cruella and Belle, as well as Dorothy and the Tin Man from "The Wizard of Oz."

SEE FESTIVAL, PAGE A10

FROM PAGE A1

Children received autographs books and odd poses for photographs with each character.

Storybook characters were volunteers from drama classes at Lamasa and Monterey High schools, taught by Paula Unstet and Julie Eustley, respectively.

Meredith McAllister, co-chairwoman of the festival, said that only more Storybook Character Dining production is planned for 11:30 a.m. today. The price was dropped to \$5 for children, with parents admitted free if they are not dining.

McAllister, by the way, completed an afternoon Saturday. Disoriented by her attendance Friday, she was thrilled with the very large turnout Saturday.

Libby Camp, Interim executive director at the Lubbock Arts Alliance, noted that while Friday's turnout was small, those who attended bought art. "The artists were happy," she said, "and that's very important."

Those manning booths in the exhibition hall Saturday spent time talking to a steady stream of visitors, and temporary human gridlock had to be maneuvered around when young dancers performed on a stage at the south end of the room.

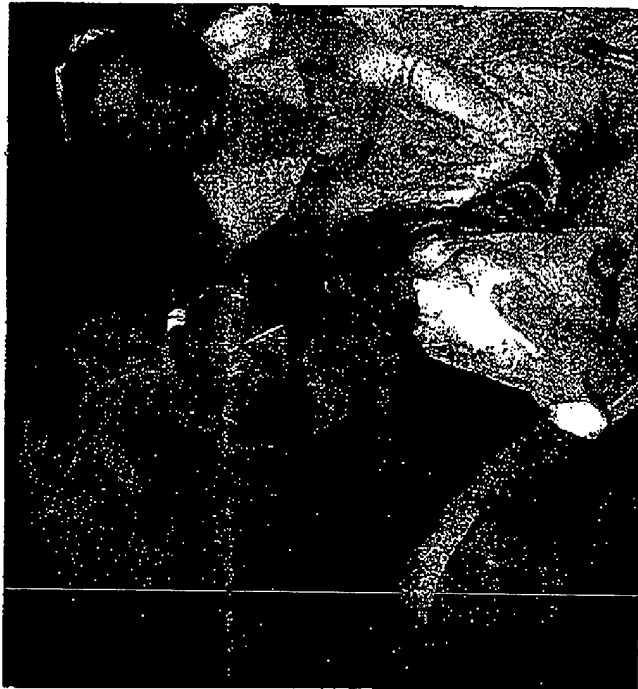
"It's been a busy day," McAllister said at mid-afternoon. "We've had a real nice turnout. I'm a lot happier."

Her only disappointment was that most visitors still did not realize that the featured fine art was on display upstairs in a mezzanine area.

While this has been a hubbub-filled area, McAllister said, future event chairmen might want to consider moving the gallery into an area or room closer to the festival's main entrance.

A display of hand drums outside the Civic Center door, consistently played by musicians, provided an immediate festive aura for visitors. Adults often stopped to listen, while children appeared just as interested in peering the musician's friendly dashboard.

The festival provides a plethora of art, ranging from traditional paintings to painted, figurative clay items. Pre-



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Kristen McCheser, 4, of Lubbock hugs the Beast, played by Daniel Rur, 16, of Lamasa, while Belle, played by Donna Mitchell, 18, also of Lamasa, watches the scene Saturday at the inaugural Storybook Character Dining at the Memorial Civic Center Banquet Hall. Another Storybook Character Dining production is planned for 11:30 a.m. today.

■ Don Barnes' Marionettes - 120 p.m., Children's Stage outside Banquet Hall. Res. 744-2787.
■ Houston Metropolitan Dances Company - Modern dance, 2 p.m., Theatre, General admission \$15.
■ "Woody, Jessie & The Cowgirl" - Musical production based on characters from movie "Toy Story 2" 4 p.m., Banquet Hall. General admission \$7.50.

■ Lubbock Arts Festival
The 24th annual event takes place from noon to 5 p.m. today at the Lubbock Memorial Civic Center.
■ To commemorate the 25th anniversary, the admission charge is 25 cents. Included items include:
■ Storybook Character Dining - Characters from books since; buffet meal, 11:30 a.m., Banquet Hall. General admission \$5 for children; parents free if not eating.

10 LUBBOCK AVIATION JOURNAL SUNDAY, APRIL 13, 2003

FESTIVAL:**NEWS**

www.lubbockonline.com

Arizona sculptor's really on a roll with popular marble jewelry

dicting public taste is never easy, though.

For example, William Skiles and his wife have a booth in the exhibit hall called "Got All Your Marbles." He uses marbles to make original jewelry, as well as lamp and drawer pulls, and he and his wife may have been the most surprised when these items became extremely popular across the nation.

Skiles, a 51-year-old sculptor from Tucson, Ariz., said he was advised by a friend three years ago to try to make something using marbles. The first thing he made were drops for

necklaces, with colorful marbles encased in either sterling silver or a durable bronze.

He showed the jewelry to his wife, also an artist. "It's OK," she told him.

Then they debuted the marble jewelry at a festival in California, where Skiles' creations were an incredible success.

"Everyone can associate with marbles, from kids to grandparents," he said.

Skiles has made art since his teenage years. Although he attended college art classes occasionally, he preferred to study via the "apprentice sys-

tem." Making original art in his home studio, he worked as a fine jeweler at a shop before deciding to quit five years ago.

He and his wife began spending eight months each year traveling on the festival circuit.

"I tried a lot of different things. I think that's how many people start out. Some things worked, but the marbles were our biggest success," he said.

"I'd love to tell you I am brilliant, but this just happened."

Skiles already has applied for a provisional patent on his

creation and, within the next few years, hopes to start selling his marble works wholesale.

The only problem is that his success creating jewelry and crafts with marbles has taken away from time he had hoped to spend on his first love: sculpting.

"Each item is made and assembled at our studio in Tucson; it's not like we send it all out to China to be made," he said. "Then after (festival season), I'm still busy doing inventory."

"Don't get me wrong; we are

extremely thankful. But I like to sculpt; I'm happiest doing that." This is Skiles' first time to exhibit at the Lubbock Arts Festival.

"We really like Lubbock," he said. "The festival is a lot busier today. The people we've met here are just wonderful. It's not Beverly Hills. They don't just spend money like crazy here, but they do spend it."

McAllister, still smiling, said, "I just want people to come out, have a great time and take some art home."

wheras@lubbockonline.com • 788-9712

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. Of: SKILES
Serial No.: 09/818,463
Filed: March 27, 2001
For: CLASP FOR ORNAMENTAL OBJECTS
Group: 3677
Examiner: RUTH C. RODRIGUEZ

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.132

Dear Sir:

The undersigned, being the named inventor states as follows:

This Declaration is being filed in support of a patent application and describes commercial success of the interchangeable marble jewelry made in accordance with my patent application (hereinafter "my invention").

My wife and I have been on a show circuit this summer selling interchangeable marble jewelry made in accordance with my invention. We have received tremendous success. In a recent seven-day period we sold \$28,000.00 worth of marble jewelry made in accordance with my invention at art shows.

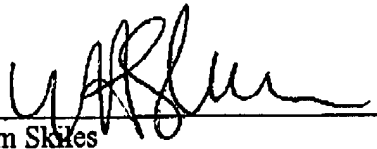
People just love it. Husbands will look at it and call their wives to come and see because they love the functionality of it. Women love it for the interchangeability/matching factor, and laugh when I say "It's for any fashion emergency". The most often heard comment is "how clever..." or, "how unique...".

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As the named inventor, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



William Skiles

Date 8-14-03

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